

**OKLAHOMA ABSTRACTORS BOARD**  
**MINUTES OF REGULAR MEETING**  
**April 20, 2021**

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairperson Christina Wooten at 10:00 a.m., at the OLERS Conference Room, 421 NW 13<sup>th</sup> Street, Suite 100, Oklahoma City, Oklahoma.
2. Scott Ward called the roll. Attending were: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Absent: None.
3. The Minutes of the Regular Meeting of the OAB, conducted on March 16, 2021, were reviewed. A motion was made by Mr. Getchell to approve the minutes as presented. The motion was seconded by Mr. Bailey. Motion carried.  
Yeas: Christina Wooten, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.  
Abstention: J. Thomas and Mark Luttrull abstained from voting since they were not present at the previous month's meeting.
4. **Chairperson's Report-Christina Wooten:** Ms. Wooten reported that the Governor had appointed the Board Members for the next term. Bob, Mark, and John were reaching the end of their term and will be replaced with Rex Koller would replace Mark for District 4, Darla Ringo will replace John in District 2, and Jeff Lower will be the new attorney member of the Board. Christina is being replaced with Lisa Yates for the remainder of her current term.
5. **Administrator's Report (Board Report):** Ms. Smith reported that inspections started again and that Ayla was making progress with the team from the licensing platform.
6. **Committee Reports.**
  - a.) **Budget and Finance – J Thomas:** Mr. Thomas gave an update on the budget and presented the "Six Digit Expenditure Detail" Report showing monthly expenses of \$4,954.32. The next report is the "Outstanding Encumbrances". This is a list of expenses that we may or may not use; that amount is \$42,182.97. If we go to our "Operating Comparison" our total budget for this year is \$279,226.00 and our total expenses and encumbrances are \$183,662.86 for an annual variance of \$81,563.42. The next report is the "Summary of Receipts and Disbursements" showing revenue of YTD of \$253,040.44 and YTD expenditures are \$177,316.65 for a YTD overage of \$75,723.79. This leaves us with an ending cash balance of \$803,171.08. After review and discussion, a motion was made by Mr. Thomas to approve the report as presented. Second by Mr. Luttrull. Motion carried.  
Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

- b.) **Rules and Regulations – Mark Luttrull:** Mr. Luttrull reported that all three proposed legislation actions were moving through the legislative process with one being on the Governor's desk. There were only 2 no votes received on item. Ms. Smith reported that the proposed Rule changes had passed through to the next phase and were waiting for legislative action.
- c.) **Licensing and Testing-Kenneth McDowell:** Mr. McDowell reported that there had been 27 people take the test since the last meeting and 24 of them passed. The next test will be on May 20<sup>th</sup> at the testing center and at the Basic Abstractors School on May 26<sup>th</sup>. Since the last meeting, we did carry out testing in Jamaica. Nine people took the test and all passed. The process worked very smoothly.
- d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been seven inspections since the last board meeting. Four of the companies had no findings. Two of the companies had minor indexing issues and one company was delayed on several of the orders reviewed. The actions recommended by the Enforcement Committee were included in the packet. Ms. Smith asked for a motion to approve the inspection reports as presented as well as the Enforcement Committee's action. Motion was made by Mr. Coffman. Second by Mr. Mapes. Motion carried.  
Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.
- e.) **Enforcement Committee Reports-Robert Getchell:**  
**Applications for Licenses:** Presented to the Board for approval was a list of applicants for abstract licenses or renewals, which are set out in the attachments hereto. A motion was made by Mr. Getchell to approve all of the licenses presented, subject to administrative review and to make sure all compliance issues were met and appropriate fees paid. Second by Mr. Bailey. Motion passed.  
Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

**Renewal of Certificate of Authority (No Fee Changes):** Presented to the Board for approval were applications for renewal of Certificate of Authority without any changes to the fees on their rate sheets by AAA Abstract Company, INC (Adair), Dewey County Abstract, Green County Abstract and Title Co., LLC (Cherokee), Lacey-Pioneer Abstract Co. (Caddo), M.G. Cox Abstract (Garvin), and Marietta Abstract Company (Love). A motion was made by Mr. Getchell to approve the applications. Second by Mr. McDowell. Motion passed.

Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: Mr. Luttrull voted no on AAA Abstract Company, INC (Adair), Lacey-Pioneer Abstract Co. (Caddo), and Marietta Abstract Company (Love) because he felt their fees for Final Title Reports are excessive. Mr. Coffman voted no on Green Country Abstract and Title

Co., LLC (Cherokee) because their Recertification Fee could end up costing more than their complete builds.

**Renewal of Certificate of Authority (With Fee Changes):** Presented to the Board for approval were applications for renewal of Certificate of Authority with changes to the fees on their rate sheets by Alfalfa Guaranty Abstract Company (Alfalfa), American Eagle Title Insurance Co. dba Union-Creek Abstract (Creek), First American Title Insurance (Tulsa), Smith Brothers Abstract and Title Co. (Tulsa), and The Valley Abstract Co., Inc. (Garvin). A motion was made by Mr. Getchell to approve the applications. Second by Mr. Mapes. Motion passed.

Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: Mr. Luttrull voted no on Alfalfa Guaranty Abstract Company (Alfalfa) because he felt their fee for Final Title Reports is excessive.

Abstention: Ms. Wooten and Mr. McDowell abstained from voting on those applications related to their employers' business interests.

**Renewal of Permit to Build an Abstract Plant:** Presented to the Board for approval were applications for Renewal to Build an Abstract Plant by American Eagle Abstract of Canadian County, LLC., Southern Oklahoma Abstract and Title, Inc. (Atoka), and Reliable Abstract & Title of McCurtain County. A motion was made by Mr. Getchell to approve the applications. Second by Mr. Bailey. Motion passed.

Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: Mr. Luttrull voted no on the application for Southern Oklahoma Abstract and Title, Inc. (Atoka) because of the time taken permit since issuance.

Abstention: Ms. Wooten abstained from voting on those applications pertaining to her employer's business interests.

### **Complaints:**

**OAB-2021-W93:** Presented to the Board for review was Complaint OAB-2021-W93 which asserts that there was an unnecessary delay of an abstract.

Ms. Smith reported that Order was placed on 12/18/20 for an unplatted supplemental abstract. This received date would have put the abstract due on January 19<sup>th</sup> due to several holidays that fell during that timeframe. The abstract was completed on February 3<sup>rd</sup> making it 11 days overdue.

Respondent states that there were delays in the completion of abstracts during this time due to COVID-19 because of closures at the courthouse and access issues as well as employee illnesses and quarantine requirements. The company was also experiencing an increased influx of orders.

Additional information received from the Respondent states that 3 employees (at last inspection company had 6 employees, 5 of which are licensed) were impacted by

COVID infection or exposure. One was out from 9/18/20 to 10/2/20 and the other from 1/4/21 to 1/25/21 and the Owner states that he was out from 9/22/20 to 10/4/20. In addition, one employee was out due to surgery recovery from 10/26/20 to 11/6/20. Based on these dates, there was only 1 employee out at any given time. Although the Owner's dates overlap with one of the employee's dates, he is listed as an employee at this location as well as his other location in Seminole County and based upon conversations during previous inspections, he is rarely in the Hughes County location so his absence had minimal impact, if any. Only one of these absences overlapped the timeframe in question and could possibly have impacted the order in question with this complaint, the complaint had been in hand for 7 business days when the employee went into quarantine.

The County Courthouse experienced closures of the Treasurer's Office from 11/23/20 to 12/2/20 and the Court Clerk's Office from 1/25/21 to 1/29/21. Neither of these closures should have impacted the order in question with this complaint.

Recommendation from Enforcement is that based upon this location having previous issues with completion dates, the Enforcement Committee recommends a penalty of \$300. Ms. Smith asked for a motion to accept the Enforcement Committee's recommendation and close the complaint.

A motion was made by Mr. Getchell. Second by Mr. Bailey. Motion passed.

Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

**OAB-2021-W94:** Presented to the Board for review was Complaint OAB-2021-W94 which asserts that there was a delay in the release of an abstract.

Ms. Smith reported that Complainant states that their company continues to have issues acquiring abstracts from their competitor (previous complaint OAB-2020-W90). They contacted the Respondent for 3 abstracts and were told the company didn't have them, but when the consumer contacted the Respondent, they were informed that the abstracts were in hand.

The Respondent states that the mix-up occurred because the abstracts were previously ordered (in May 2020) by a Katie Baker. Ms. Baker did not pay for or pick up the abstracts. Their processes did not place the abstracts into storage under the legal addresses, but into an Accounts Receivable/Collections holding area under Ms. Baker's name.

When the Complainant's company called, they gave the consumer as Lena Battiest along with the legal description. Once more information was obtained that tied Katie Baker to Lena Battiest, the abstracts were discovered and sent to the Complainant once Ms. Baker's outstanding debt was satisfied.

Recommendation from the Enforcement Committee is that letter be issued recommending better cross referencing between files in storage and files in their holding area so that regard less of the receipt of a name or legal, abstracts can be located. Ms. Smith asked for a motion to accept the Enforcement Committee's recommendation and close the complaint.

A motion was made by Mr. Getchell. Second by Mr. Mapes. Motion passed.

Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

**OAB-2021-W95 and W96:** Presented to the Board for review was Complaint OAB-2021-W95 and W96 which assert that there was an unnecessary delay of an abstract. Investigation of these complaints was combined because they pertained to the same transaction.

Ms. Smith reported that the Complainant states contracts were forward to the closing company on 1/15/21. On 3/3, the Complainant contacted the Respondent and was told that they hadn't received the order until 2/3/21 and that it wouldn't be done for another 2-3 weeks.

Respondent states that they did not receive an order until 2/3 and they requested the abstract from First American which was received on 2/12/21.

The order was for an unplatted update from August 2020. 2/12/21 receipt of abstract date would have been due on 3/10/21. Abstract was completed 3/16/21.

Recommendation from the Enforcement Committee is that although contracts were sent to the closing company, they were not forwarded to the Abstractor. An abstract company is not responsible for the failure of a closing company to place the order. Based upon receipt of the abstract, the abstract was completed 4 days overdue. The Enforcement Committee recommends a penalty of \$100. Ms. Smith asked for a motion to accept the Enforcement Committee's recommendation and close the complaint.

A motion was made by Mr. Getchell. Second by Mr. Coffman. Motion passed.

Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

**OAB-2021-W97:** Presented to the Board for review was Complaint OAB-2021-W97 which asserts that there was double charging for an abstract.

Ms. Smith reported that the Complainant states that an abstract was ordered with an incorrect legal description. Abstract was completed and paid for. Soon after receipt, Complainant realized the error and requested a corrected abstract. Claims the Respondent simply added a couple of pages and charged them again for a recertification although all that is show in their invoice is an abstracting charge equal to a complete build (their rate sheet shows no mention of recert).

Complainant feels he was charged twice for the same abstract. Respondent states that while they felt they were doing “the right thing at the time,” they are going to issue a refund to the Complainant for one of the abstracts. Complainant was satisfied with that result.

Recommendation from the Enforcement Committee is that no further action is needed since the refund was acceptable to the Complainant. Ms. Smith asked for a motion to accept the Enforcement Committee’s recommendation and close the complaint. A motion was made by Mr. Getchell. Second by Mr. Coffman. Motion passed.  
Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.

7. **New Business:** Ms. Wooten asked for new business. There was none.
8. **Report Legal Counsel-Marie Schuble:** Ms. Schuble worked with the Enforcement Committee and would provide an update to the lawsuit in Executive Session.
9. **Visitor’s Comments:** Ms. Wooten asked for any visitor comments. Mr. Jessie Martin, President of the Oklahoma Land Title Association expressed his gratitude to Mr. Bailey, Mr. Getchell, Mr. Luttrull, and Ms. Wooten for their service on the Board.
10. **Announcement of next meeting:** Tuesday, May 18, 2021, at 10:00 a.m., 421 NW 13<sup>th</sup> Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma.
11. **Adjournment:** Ms. Wooten asked for a motion to adjourn the meeting. Motion was made by Mr. McDowell. Second by Mr. Getchell. Motion passed.  
Yeas: Christina Wooten, J. Thomas, Jeff Mapes, John Bailey, Ken McDowell, Mark Luttrull, Randy Coffman, Robert Getchell, and Scott Ward. Nos: None.